

AMENDED IN SENATE APRIL 24, 2003

**SENATE BILL**

**No. 524**

**Introduced by Senator Vasconcellos**

February 20, 2003

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An act to amend ~~and repeal~~ Section 51852 of the Education Code, relating to instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 524, as amended, Vasconcellos. Instruction: driver training.

Existing law prescribes the requirements for a course of instruction in automobile driver education and provides various plans that meet the requirements for a course of instruction in the laboratory phase of driver education. Existing law declares that no provision of a specified chapter of the Education Code relating to driver education may be construed to limit eligibility for a provisional driver's license for pupils who have completed driver training courses offered in private elementary or secondary schools. Existing law makes that declaration inoperative July 1, 2004, and provides for its repeal on January 1, 2005.

This bill ~~instead would delete the inoperative and repeal dates for that declaration~~ would authorize the Superintendent of Public Instruction to require a private school to disclose in its annual informational affidavit the telephone number of specified persons or entities offering or conducting private school instruction in driver training.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 51852 of the Education Code, as amended by Section 1 of Chapter 774 of the Statutes of 2002, is amended to read:

51852. A course of instruction in the laboratory phase of driver education shall include, for each student enrolled in the class, instruction under one of the following plans:

(a) Plan One. A minimum of 12 hours allocated as follows:

(1) A minimum of six hours of on-street behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

(2) A minimum of six hours in a dual-control automobile with a qualified instructor for the purposes of observation. Practice driving on an off-street multiple-car driving range approved by the department under the supervision of a qualified instructor may be substituted for all or part of the observation time.

(b) Plan Two. A minimum of 24 hours allocated as follows:

(1) Three hours of on-street behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

(2) Six hours in a dual-control automobile with a qualified instructor for the purposes of observation. Practice driving on an off-street multiple-car driving range approved by the department under the supervision of a qualified instructor may be substituted for all or part of the observation time.

(3) Twelve hours of instruction by a qualified instructor in a driving simulator approved by the department.

(4) At least three additional hours of instruction specified in one or more of paragraphs 1 to 3, inclusive, of this subdivision.

(c) Plan Three. A minimum of 24 hours allocated as follows:

(1) Three hours of on-street behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

(2) Six hours in a dual-control automobile with a qualified instructor for the purpose of observation.

(3) Twelve hours of instruction by a qualified instructor on an off-street multiple-car driving range.

(4) At least three additional hours of instruction specified in one or more of paragraphs 1 to 3, inclusive, of this subdivision.

(d) Plan Four. A minimum of 24 hours allocated as follows:

1 (1) Three hours of on-street behind-the-wheel practice driving  
2 instruction in a dual-control automobile with a qualified instructor.

3 (2) Three hours in a dual-control automobile with a qualified  
4 instructor for the purpose of observation.

5 (3) Eighteen hours of instruction by a qualified instructor in a  
6 driving simulator approved by the department and on an off-street  
7 multiple-car driving range. The governing board of the district  
8 shall establish the proportion of time to be utilized in simulators  
9 and on the off-street multiple-car driving range.

10 (e) Plan Five.

11 (1) Competency-based driver training which means a program  
12 in which each student receives a minimum of three hours of  
13 on-street behind-the-wheel practice driving instruction, a  
14 minimum of one hour of behind-the-wheel pretesting, and a  
15 minimum of one hour of behind-the-wheel posttesting. The pretest  
16 and posttest for public school programs shall include basic skill  
17 evaluation by the instructor, as adopted by the Superintendent of  
18 Public Instruction pursuant to paragraph (2). The one hour posttest  
19 shall be conducted by an instructor other than the instructor who  
20 conducted the three hours of behind-the-wheel practice driving  
21 instruction or the pretest. Each student shall receive at least one  
22 additional hour of either behind-the-wheel practice driving  
23 instruction or observation time.

24 (2) The Superintendent of Public Instruction shall adopt rules,  
25 regulations, and basic skill requirements for public school  
26 programs pursuant to this subdivision.

27 (3) Local district superintendents offering this program shall  
28 annually report to the Superintendent of Public Instruction, on a  
29 form developed by the State Department of Education, on student  
30 completion of instruction pursuant to paragraph (1).

31 (f) For purposes of this section, one hour means 60 minutes  
32 including passing time.

33 (g) Any deviation from the standard use of a simulator or  
34 off-street multiple-car driving range, or both, shall have prior  
35 approval by the Department of Education before the school  
36 district, county superintendent of schools, the California Youth  
37 Authority, or the Department of Education can be reimbursed for  
38 the students trained.

39 (h) Nothing in this chapter shall be construed to direct or  
40 restrict courses of instruction in the classroom phase or the

laboratory phase of driver education offered by private elementary and secondary schools or to require the use of credentialed or certified instructors in the laboratory phase of driver education offered by private elementary and secondary schools, except that each student enrolled in a course shall satisfactorily complete a minimum of six hours of on-street behind-the-wheel driving instruction. This chapter shall not be construed to limit eligibility for a provisional driver's license for pupils who have completed driver education or driver training courses offered in private elementary or secondary schools.

(i) For the purposes of this section, private elementary or secondary schools are those subject to the provisions of Sections 33190 and 48222.

(j) *The Superintendent of Public Instruction may require a private school to disclose in its affidavit required pursuant to Section 33190 the telephone number of any person, firm, association, partnership, or corporation offering or conducting private school instruction in driver training.*

(k) *This section shall become inoperative on and after July 1, 2004, and as of January 1, 2005, is repealed, unless a later enacted statute that is enacted before January 1, 2005, deletes or extends the dates on which it becomes inoperative and is repealed.*

SEC. 2. Section 51852 of the Education Code, as added by Section 1.5 of Chapter 774 of the Statutes of 2002, is ~~repealed~~ amended to read:

51852. A course of instruction in the laboratory phase of driver education shall include, for each student enrolled in the class, instruction under one of the following plans:

(a) Plan One. A minimum of 12 hours allocated as follows:

(1) A minimum of six hours of on-street behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

(2) A minimum of six hours in a dual-control automobile with a qualified instructor for the purposes of observation. Practice driving on an off-street multiple-car driving range approved by the department under the supervision of a qualified instructor may be substituted for all or part of the observation time.

(b) Plan Two. A minimum of 24 hours allocated as follows:

(1) Three hours of on-street behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

1 (2) Six hours in a dual-control automobile with a qualified  
2 instructor for the purposes of observation. Practice driving on an  
3 off-street multiple-car driving range approved by the department  
4 under the supervision of a qualified instructor may be substituted  
5 for all or part of the observation time.

6 (3) Twelve hours of instruction by a qualified instructor in a  
7 driving simulator approved by the department.

8 (4) At least three additional hours of instruction specified in  
9 one or more of paragraphs 1 to 3, inclusive, of this subdivision.

10 (c) Plan Three. A minimum of 24 hours allocated as follows:

11 (1) Three hours of on-street behind-the-wheel practice driving  
12 instruction in a dual-control automobile with a qualified instructor.

13 (2) Six hours in a dual-control automobile with a qualified  
14 instructor for the purpose of observation.

15 (3) Twelve hours of instruction by a qualified instructor on an  
16 off-street multiple-car driving range.

17 (4) At least three additional hours of instruction specified in  
18 one or more of paragraphs 1 to 3, inclusive, of this subdivision.

19 (d) Plan Four. A minimum of 24 hours allocated as follows:

20 (1) Three hours of on-street behind-the-wheel practice driving  
21 instruction in a dual-control automobile with a qualified instructor.

22 (2) Three hours in a dual-control automobile with a qualified  
23 instructor for the purpose of observation.

24 (3) Eighteen hours of instruction by a qualified instructor in a  
25 driving simulator approved by the department and on an off-street  
26 multiple-car driving range. The governing board of the district  
27 shall establish the proportion of time to be utilized in simulators  
28 and on the off-street multiple-car driving range.

29 (e) Plan Five.

30 (1) Competency-based driver training which means a program  
31 in which each student receives a minimum of three hours of  
32 on-street behind-the-wheel practice driving instruction, a  
33 minimum of one hour of behind-the-wheel pretesting, and a  
34 minimum of one hour of behind-the-wheel posttesting. The pretest  
35 and posttest for public school programs shall include basic skill  
36 evaluation by the instructor, as adopted by the Superintendent of  
37 Public Instruction pursuant to paragraph (2). The one hour posttest  
38 shall be conducted by an instructor other than the instructor who  
39 conducted the three hours of behind-the-wheel practice driving  
40 instruction or the pretest. Each student shall receive at least one

1 additional hour of either behind-the-wheel practice driving  
2 instruction or observation time.

3 (2) The Superintendent of Public Instruction shall adopt rules,  
4 regulations, and basic skill requirements for public school  
5 programs pursuant to this subdivision.

6 (3) Local district superintendents offering this program shall  
7 annually report to the Superintendent of Public Instruction, on a  
8 form developed by the State Department of Education, on student  
9 completion of instruction pursuant to paragraph (1).

10 (f) For purposes of this section, one hour means 60 minutes  
11 including passing time.

12 (g) Any deviation from the standard use of a simulator or  
13 off-street multiple-car driving range, or both, shall have prior  
14 approval by the Department of Education before the school  
15 district, county superintendent of schools, the California Youth  
16 Authority, or the Department of Education can be reimbursed for  
17 the students trained.

18 (h) ~~Nothing in this~~ *This section shall be construed to does not*  
19 direct or restrict courses of instruction in the classroom phase or  
20 the laboratory phase of driver education offered by private  
21 elementary and secondary schools or to require the use of  
22 credentialed or certified instructors in the laboratory phase of  
23 driver education offered by private elementary and secondary  
24 schools, except that each student enrolled in a course shall  
25 satisfactorily complete a minimum of six hours of on-street  
26 behind-the-wheel driving instruction. This section ~~shall~~ *does not*  
27 ~~be construed to~~ limit eligibility for a provisional driver's license  
28 for pupils who have completed driver education or driver training  
29 courses offered in private elementary or secondary schools.

30 (i) For the purposes of this section, private elementary or  
31 secondary schools are those subject to ~~the provisions of~~ Sections  
32 33190 and 48222.

33 (j) *The Superintendent of Public Instruction may require a*  
34 *private school to disclose in its affidavit required pursuant to*  
35 *Section 33190, the telephone number of any person, firm,*  
36 *association, partnership, or corporation offering or conducting*  
37 *private school instruction in driver training.*

38 (k) This section shall become operative on July 1, 2004.

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